

Adopted Amendments
Official Code of Cobb County
Chapters 2, 6, 50, 78, 86 and 134
Public Hearing Dates
July 10, 2012 – 9:00 am
July 24, 2012 – 7:00 pm
Clean Copy

Cobb County Community Development
P.O. Box 649
Marietta, GA 30061
www.cobbcounty.org

Sec. 2-103. - Authority.

Employees of the code enforcement division have enforcement authority to issue citations for violations of this code in accordance with [section 1-10](#). Employees of code enforcement shall have citation authority over the following portions of this Code, unless specific authority is given exclusively to another agency or department within a code section or such exclusivity is otherwise determined by federal or state law or by agreement with another jurisdiction:

- (1) Chapter 18, article II (permits required);
- (2) Chapter 18, article III (building code);
- (3) Chapter 18, article IV (electrical code);
- (4) Chapter 18, article V (gas code);
- (5) Chapter 18, article VI (housing code);
- (6) Chapter 18, article VII (mechanical code);
- (7) Chapter 18, article VIII (one and two family dwelling code);
- (8) Chapter 18, article IX (plumbing code);
- (9) Chapter 18, article X (swimming pool code and wastewater discharge);
- (10) Chapter 18, article XI (energy code)
- (11) Chapter 18, article XII (excavating and trenching);
- (12) Chapter 26, article II (cemetery preservation);
- (13) [Chapter 50](#), article III (land disturbing activities);
- (14) [Chapter 50](#), article II (Chattahoochee River corridor tributary protection area);
- (15) [Chapter 50](#), article VI (tree preservation and replacement);
- (16) [Chapter 54](#) (fire prevention and protection);
- (17) [Chapter 58](#), article II (flood damage prevention);
- (18) [Chapter 78](#) (licenses, permits and businesses);
- (19) [Chapter 102](#), (solid waste);
- (20) [Chapter 106](#), Streets, Sidewalks and Other Public Places, Article II, [Section 106- 10\(c\)](#) (Obstructions on right-of-way);
- (21) [Chapter 110](#) (subdivisions);
- (22) [Chapter 122](#), Article II (water and wastewater systems);
- (23) [Chapter 134](#) (Zoning).

(24) Volumes 1 and 2 of the Cobb County Development Standards, as may be amended from time to time.

(Ord. of 3-27-90; Code 1977, § 3-9.5-6; Ord. of 9-12-00; Ord. of 7-10-01; Ord. of 1-22-02; Ord. of 9-10-02; Ord. of 7-8-03)

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate parking means one parking.....

Church means a permanent building where persons regularly assemble for religious worship and shall be publicly designated as a church, but shall not include a residence also used for religious purposes.

Closed function means an event sponsored by a nonprofit organization not open to the general public which must have a written, limited guest list prepared at least 48 hours in advance of the date on which the closed function is to occur, and which occurs at the Cobb Civic Center, Jim R. Miller Park, Mable House, The Cobb County Safety Village, a county community center, or a county art place which is managed by the parks, recreation and cultural affairs department. No pay-at-the-door guests or drop-ins are to be permitted. Alcoholic beverages may be served without charge and consumed at closed functions, but the offer and sale of alcoholic beverages at such functions is prohibited; except that a general admission fee permitting attendance at the closed function may be collected in advance.

College means only such state, county,.....

Sec. 50-75. Minimum requirements for erosion and sedimentation control using best management practices.

(a) General provisions. Excessive soil erosion and resulting sedimentation can take place during land disturbing activities if requirements of this section and the NPDES general permit are not met. Therefore, plans for those land disturbing activities which are not excluded by this article shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land disturbing activity and the NPDES general permit. Land Disturbing Activities that are exempted from obtaining a permit and preparing a plan (as listed in Section 50-74) shall institute minimum soil erosion and sedimentation control measures.

Section 86-10. Social Host. Provides penalty for the hosting of gatherings where the unlawful underage possession of alcohol occurs.

(a) Definitions: For the purposes of this ordinance, the following definitions shall apply:

(1) *Social Host* shall mean any person who is in legal and actual control of any location where a gathering takes place.

(2) *Gathering* shall mean 3 or more non-family members, at least one of whom is under the age of 21 years old.

(b) Violation: It shall be unlawful for any social host to allow any gathering where one or more persons attending such gathering is charged with a violation of any of the provisions of OCGA § 3-3-23.

(c) Any person who violates any provision of this chapter shall, upon conviction, be guilty of a violation of such ordinance and shall be punished in accordance with section 1-10 and as it may be amended from time to time, provided however that, for a first offense, the person shall not be fined less than \$150.00 One Hundred Fifty dollars; for a second and subsequent offenses, the person shall not be fined less than \$500.00 Five Hundred dollars.

Sec. 134-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means.....

DUA means dwelling units per acre.

Executive golf course means.....

Motel means a building in which lodging, or board and lodging, are provided for transient guests and offered to the motoring public for compensation, in which ingress and egress to and from all rooms are made primarily direct from an exterior walkway rather than from an inside lobby. Kitchenettes or kitchen facilities are prohibited.

Multifamily dwelling unit. A multifamily dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for related and unrelated persons.

Neighborhood activity center.....

Sign. See article VI of this chapter, section 134-311 et seq.

Single Family dwelling unit. A Single family dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family or two or fewer unrelated adults and their children and/or grandchildren.

(1) A single family dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed.

(2) A single family dwelling unit shall have at least 390 square feet of living building square footage (as determined and maintained in the records of the Cobb County Tax Assessor) per each adult occupant.

(3) No more than one vehicle per 390 square feet of living building square footage may be parked regularly overnight on the property upon which the single family dwelling unit exists. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 3 or less (of the total) parked outside of a garage, carport or the like for properties zoned RA-5, R-15 and R-20. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 4 or less (of the total) parked outside of a garage, carport or the like for properties zoned R-30 and R-40. Of the total number of vehicles allowed per 390 square feet of living building square footage, there shall be a maximum of 5 or less (of

the total) parked outside of a garage, carport or the like for properties zoned R-80 and RR. This includes vehicles parked within the right-of-way adjacent to a dwelling unit. "Regularly" means a majority of nights in any seven-day period. Exceptions to subparagraphs (2) and (3) may be considered as part of a land use permit processed in accordance with section 134-36.

Site (manufactured home only) means the entire tract, subdivision or parcel of land on which the industrialized building or manufactured home is installed.....

Sec. 134-31. Nonconforming uses.

(a) Purpose and intent. The purpose of a zoning ordinance is to have orderly use of property. Nonconforming uses that existed legally prior to the adoption or change of a zoning ordinance create land uses that do not conform to the zoning ordinance. It is the purpose of this nonconforming use provision to allow legally existing nonconforming uses to be retained with certain limitations to protect adjacent property owners and the public from the inconsistencies created by nonconforming uses. It is the intent that over time all nonconforming uses will be eliminated.

(b) Continuance of nonconforming uses. A nonconforming use of a building, structure or land that was legal prior to the enactment of an amendment or adoption of the zoning ordinance shall be allowed to legally continue even though such use does not conform with the provisions of this chapter, subject to the following:

(1) The nonconforming use cannot be expanded to occupy a greater area of land or building area.....

(4) A nonconforming use cannot be reinstated after it has been abandoned. It shall be prima facie evidence of abandonment for the owner and/or operator of the nonconforming use to discontinue the nonconforming use for twelve months, to fail to obtain a new or renew an existing business license as required under the Code of Cobb County, Georgia, for the operation of such nonconforming use, to fail to declare and remit the sales tax required by state law for the nonconforming use.

(5) Failure to follow any other state.....

(Ord. of 12-26-72; Ord. of 12-11-90, § 3-28-12.0; Ord. of 10-27-92; Ord. of 6-24-97 (eff. 7-1-97); Ord. of 2-9-99; Amd. of 2-22-11). Editor's Note: On July 24, 2012 the Board of Commissioners amended item number 4 of Section 134-31. The amendment changed the time period of abandonment (to serve as prima facie evidence) for a nonconforming use from 6 months to 12 months. This amendment will automatically convert back from 12 months to 6 months unless it is extended by a majority vote of the Board of Commissioners during public hearings to occur on the 4th Tuesdays of January and February, 2014.

Sec. 134-34 Variance applications.....

(c) If an application for variance is rejected, then any portion of the same property may not be considered for any type of variance for a period of 12 months from the date the application was rejected.....

Sec. 134-124. Action by board of commissioners.

(a) Before taking action on an application.....

b) So that the purpose of this chapter will be served and the health, public safety and general welfare secured, the board of commissioners may approve or deny the application, reduce the land area for which the application is made, change the zoning classification, district or category requested, either to the one(s) sought or to other constitutionally permissible classification(s) which may not necessarily be an intervening classification, add or delete conditions of the application, including but not limited to site-specific conditions, variances to zoning regulations, or allow an application to be withdrawn without prejudice with respect to the 12-month limitation of this division. An action by the board to defer or continue the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application, and no further notice except posting and legal advertising is required.

(c) The decision by the board of commissioners.....

Sec. 134-163. Zoning map.

Subject to the express provisions in this chapter, all properties shall be zoned as set forth on the official county zoning map of the county, as amended from time to time. The maps shall be kept under the custody of the county community development agency and maintained in the offices of the agency's planning division and zoning division, and shall be subject to public inspection. The official county zoning maps are incorporated in this chapter by express reference. (Ord. of 12-11-90; Ord. of 8-13-91; Ord. of 9-12-00)

Sec. 134-193. R-80 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-194. RR single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-195. R-40 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-196. R-30 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-197. R-20 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-198. R-15 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-199. R-12 single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-200. RD single-family residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-201. RA-4 single-family attached/detached residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-201.1 PRD planned residential development district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-201.2 RA-5 single-family attached/detached residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-202. RA-6 single-family attached /detached residential district.

(12) Accessory buildings, structures, uses and decks.

2. Buildings or structures shall have the meaning as defined in Chapter 134-1. Accessory structures and uses shall also include Jacuzzis, tennis courts, basketball courts, swimming pools (private), playhouses and playgrounds. When calculating square-footage for ground level uses such as tennis courts, basketball courts and above ground swimming pools and the like, the footprint shall be used in calculating total gross square feet.....

6. Such structures or buildings shall be located on the same lot as and to the rear of the primary structure to which they are accessory. Uncovered decks that are attached to the primary structure may be located to the rear or side of the principal building. Covered decks, covered patios, and covered steps shall adhere to the building setbacks of the primary structure.....

Sec. 134-207. RM-16 residential multifamily district.

The regulations for the RM-16 residential multifamily district are as follows:

(1) Purpose and intent. The RM-16 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are located within regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990 or within one mile of the main campus of a college or university under the Board of Regents of the University System of Georgia and/or accredited by the Southern Association of Colleges and Schools (SACS). The properties should be located in areas which are readily accessible to the interstate freeway system and along arterials or major collectors to ensure free flow of traffic. When residentially compatible institutional and recreational uses are developed within the RM-16 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

(2) Definitions. The following words,.....

Sec. 134-221.1. UC urban condominium residential district.

The regulations for the UC urban condominium residential district are as follows:.....

(11) Use limitations.

a. There shall be

j. A mandatory homeowners' association must be formed and incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include condominium declaration and bylaws, including rules and regulations subject to staff review and approval. The declaration and bylaws shall not be enforced by the county. The declaration and bylaws shall, at a minimum, regulate and control the following:.....

n. Minimum unit size must be established for each development. The minimum unit size must be compatible with the character of the surrounding community and the character of the proposed development.

m. A maximum of up to 10% of the units may be leased. The Board of Commissioners on a case by case basis may consider requests for other percentages of leased units. These requests will be considered a major change and will be required to follow the normal zoning process to include all applicable public notification and public hearing requirements.

Required buffers may be included within required

Sec. 134-372 Traffic and parking.....

4. The required number of parking spaces for non-residential uses may be reduced if a property owner or developer provides a shared parking study that is prepared by a professional engineer to industry standards that demonstrates the proposed shared parking facility will not cause a burden, nuisance or safety concern to the subject property, adjacent properties or the right-of-way. The shared parking study must be approved by the Cobb County Department of Transportation, the Cobb County Stormwater Management Division and the Cobb County Zoning Division to be implemented or constructed. Cobb County reserves the right, at any time, to require additional parking spaces if the shared parking study turns out to be erroneous, or if uses change that revise the merits of the shared parking study or if problems arise relating to the reduced number of parking spaces that are causing harm to the subject property, adjacent property or the right-of-way.....